

**USDI, Bureau of Land Management
Andrews Resource Area, Burns District**

**Decision Record
and
Finding of No Significant Impact
for
Upper No Name Spring Reservoir Reconstruction
Environmental Assessment
OR-06-026-006**

INTRODUCTION

The Bureau of Land Management (BLM) analyzed in the attached Environmental Assessment (EA) the impacts of modifying a spring development at Upper No Name Spring Reservoir (UNNSR) in Trout Creek Mountain Allotment. The allotment is located in the Andrews Management Unit (AMU) in the southern portion of Harney County, Oregon. Trout Creek Mountain Allotment borders Bilk Creek Mountains, Nevada, to the south, Pueblo Valley to the west, Tule Rim to the north, and Burns District BLM boundary to the east. The UNNSR is in No Name Pasture, one of 19 pastures in the allotment, and was originally developed in 1957. No Name Pasture consists of approximately 9,500 acres of BLM-administered land.

The purpose of the project is to restore Proper Functioning Condition (PFC) of riparian meadows associated with UNNSR. The project will restore and enhance the free-flowing natural and wet meadow characteristics of riparian meadows above and below UNNSR so hydrologic function can support the potential natural community, including plant species important to greater sage-grouse, and reliable clean drinking water for livestock during the authorized season of use. The objective is to increase diversity, vigor and extent of the riparian plant community supported by hydrologic soils such that the wet meadows can achieve their natural community.

Further project objectives, which translate pertinent Resource Management Plan (RMP) direction, are listed below:

- Provide for sustainable livestock grazing that meets allotment management (natural resource) objectives and the Standards for Rangeland Health and Guidelines for Livestock Management (S&Gs) (Social and Economic Values, AMU RMP, p. 45).
- Maintain, restore, or improve riparian/wetland vegetation communities relative to ecological status, site potential and capability, or site-specific management objectives, and Transportation Plans (Vegetation, AMU RMP p. 24-25).
- Implement administrative solutions and rangeland projects to provide proper management for livestock grazing while meeting resource objectives and requirements for S&Gs (Grazing Management, AMU RMP p. 54-56).
- Maintain, restore, or improve [fish and wildlife] habitat (Fish and Wildlife, AMU RMP p. 33).

The attached EA was revised based on public comments received on the first project EA issued in 2006 and additional internal BLM review. The authorized officer determined five of the six spring developments originally considered could be adequately modified to improve wildlife access to water (and to associated riparian vegetation) under a category of actions excluded from review under the National Environmental Policy Act (NEPA). The Department of the Interior, following extensive review by the public and the Council on Environmental Quality, defined actions which under normal circumstances do not create significant effects on the human environment. The citations for this Categorical Exclusion are 516 DM 11.A. (2) – "Minor modification of water developments to improve or facilitate wildlife use (e.g. modify enclosure fence...);" and construction of new protective enclosures, including those to protect reservoirs and springs, is also categorically excluded from NEPA review under J (9) – "Construction of small protective enclosure including those to protect reservoirs and springs...." Additionally, replacement of water troughs, which affects these spring developments, is also an action categorically excluded from NEPA review under 516 DM 2, Appendix 1, 1.7 – "Routine and continuing government business, including such things as ... operations, maintenance, renovations, and replacement activities having limited context and intensity (e.g. limited size and magnitude or short-term effects)." Therefore, management actions at Borro Springs (#4195), Donkey Spring (#5764), Marking Corral Spring (#4204), Middle Canyon Spring (#6066), and Upper Deer Creek Spring (#4188), were determined to be categorically excluded from further review under NEPA. These projects were considered, however, in the cumulative effects analysis for affected resources in the attached EA.

SUMMARY OF PROPOSED ACTION

The proposed action is to place a headbox in the spring that fills UNNSR (approximately 0.2-acre) to pipe water to a new 1,200-gallon trough. The trough will be installed 500 feet northwest of the reservoir. Overflow water from the trough will be piped underground back to the original riparian meadow system. Earthen fill of the reservoir will be left in place, so a pond with shoreline vegetation can develop. Approximately 3,900 feet of fence will be constructed around the reservoir and riparian meadow areas above and below UNNSR, excluding livestock from approximately 9 acres. Livestock grazing will occur annually in No Name Pasture with the same number (alternating between 967 and 1,446 Animal Unit Months (AUMs)), kind, and authorized season of use after modifications are complete. The project is planned for completion in 2008. All work will be conducted by BLM staff or contractors.

FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts contained in the EA and all other information, I have determined the proposed action and alternatives analyzed do not constitute a major Federal action that would significantly impact the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) is not necessary and will not be prepared.

Rationale:

This determination is based on the following:

The following critical elements of the human environment are not known to be present in the project area or affected by enacting any of the alternatives: Areas of Critical Environmental Concern, Air Quality, American Indian Traditional Practices, Environmental Justice, Farmlands (prime or unique), Flood Plains, Hazardous Materials, Paleontology, Special Status Species – Flora, Water Quality (drinking or ground water), Wild and Scenic Rivers, and Wilderness and Wilderness Study Areas (WSAs).

All potentially affected resources were analyzed in the EA specific to the proposed action. The following resources were analyzed in the EA: Cultural, Migratory Birds, Noxious Weeds, Special Status Species – Fauna, Wetlands/Riparian Areas, Grazing Management Soils, Biological Crusts and Vegetation, and Visual Resources.

Impacts to these resources are all considered to be nonsignificant (based on the definition of significance in 40 CFR 1508.27) for the following reasons:

Cultural

The cultural site known to be present will be protected by the riparian enclosure fence, and no longer subject to effects from livestock hoof-shear. Excavation for pipeline placement will disturb site fill and contents to a depth of at least 18 inches, with horizontal disturbance at least 10 feet wide and 500 feet long. Cultural materials review will be completed before pipeline placement and backfill.

Wetlands and Riparian Zones

The proposed action will physically separate approximately 9 acres of riparian meadows (including UNNSR) from No Name Pasture. Flow from the spring will pass through the new trough and back to the riparian meadows along No Name Creek below the reservoir. Most seasonal snowmelt and rainfall runoff will continue to pass through the overflow channel of the reservoir. Since spring-fed flows will be returned through the riparian meadows, rather than flushing through the ephemeral stream channel, anaerobic soil conditions below the reservoir will improve, and the extent of soils capable of supporting a riparian vegetative community will be enhanced. Hoof-shear will no longer modify hydrologic flow patterns in riparian meadows above or below the reservoir, and wet meadow areas will likely expand toward potential extent, as limited by topography and surrounding soils. Therefore, free-flowing natural and wet meadow characteristics of the affected sites will likely improve, with corresponding increase in total herbaceous plant cover and foliage height diversity (difference between tallest and shortest plants). Since these meadows are now well occupied with sedges and rushes, it is unlikely, though possible, willows could expand or become established. In bare soils of the berm and banks of the dugout reservoir, it is more likely willows will establish.

Effects resulting from the proposed action will be local in scope and limited to the No Name Creek drainage. Any effects, when considered with other similar reasonably foreseeable future projects, will not contribute to cumulative effects to riparian habitat within Alvord Basin.

Noxious Weeds

Enhancement and accelerated growth of riparian meadow vegetation will increase competition for plant resources, and is likely to reduce the extent and vigor of noxious weeds within riparian areas. This may reduce the need for herbicide treatments as the vigor and extent of riparian plant communities increases. Soil-disturbing activities resulting from pipeline and trough placement (or replacement) could facilitate spread of Canada thistle, or establishment of additional weed species in these locations. However, noxious weeds can invade even healthy sites. Seeds can and will germinate wherever disturbance occurs. Natural disturbances from rodents, ungulates, droughts, and fires can provide opportunities for noxious weed establishment. Weeds at known sites will continue to be treated with approved methods as outlined in the Burns District Weed Management EA OR-020-98-05.

The proposed action will likely not contribute to the cumulative expansion of invasive nonnative plants within Trout Creek Allotment because acceleration of growth and expansion of riparian vegetation within No Name Pasture is expected to result in reduction of the weed population already present.

Migratory Birds

Since no migratory bird species require riparian meadow habitat, species composition of the pasture is unlikely to change measurably, unless shrubs become established in the reservoir. Herbaceous cover and foliage height diversity will increase as a result of exclusion of livestock grazing from riparian meadows in the project area. These changes in habitat structure will be accompanied by the presence of additional vantage points for nest predators and brown-headed cowbirds along the fenceline, which is likely to offset these benefits to some degree at the contact area between riparian and upland habitat.

Since project design features require fence and pipeline construction to occur outside the breeding and nesting season, no disturbance (interruption of normal behavior) to ground-nesting and shrub-nesting birds will occur in the immediate vicinity during fence building operations. After construction, fences will provide additional singing and resting perches for migratory songbirds, as well as additional vantage points for nest predators and nest parasites.

Addition of an escape ramp on the new trough will reduce the likelihood of accidental bird mortality.

The balance of effects will favor enhanced habitat conditions for nesting birds, and improved water availability for migratory birds. Nest parasitism will occur at some unknown level, since livestock will still be present (and cowbirds are likely to be present with or without livestock), but will mainly affect pairs of birds which initiate nests near the end of the egg-laying period. Nest predators will have additional perches from which to hunt riparian meadows, but will be confounded by enhanced foliage-height diversity.

The proposed action is unlikely to contribute to cumulative effects to migratory and resident bird habitat within No Name Pasture and Trout Creek Mountains because the arrangement of habitats will not change and improvement in habitat quality will be small in comparison to the overall size of the pasture and allotment.

Special Status Species – Fauna (Greater Sage-Grouse)

Effects of livestock grazing on structure and composition of sage-grouse habitat can be positive, negative, or neutral and will vary with timing and intensity of use and a host of environmental factors (Sage-Grouse CA, p. 41). Brood use of moderately grazed areas, as opposed to nongrazed or heavily grazed areas, may increase. Maintenance of perennial bunchgrasses – i.e., as opposed to a reduction – may result in a neutral impact, as with moderate levels of livestock utilization. A negative effect could be a reduction in residual perennial grass cover at nesting sites.

Accelerated development of riparian meadow vegetation on approximately 9 acres will improve brood-rearing habitat and enhance forage opportunities for sage-grouse when riparian vegetation reaches site potential, especially in summer and fall and during drought years. The new riparian protection fence at UNNSR will be approximately 0.6 kilometers (0.4-mile) from sage-grouse leks. The fence will result in a slightly increased potential for predation at the leks, though an existing fenceline is already closer, and is much more likely to influence breeding activity (BLM National Sage-Grouse Habitat Conservation Strategy, 2004, p. 20). Although the Sage-Grouse Assessment Strategy for Oregon recommends structures be constructed one kilometer (0.6-mile) from leks, visual screening due to terrain features such as hills will reduce the amount of visible fence to sage-grouse at leks to a few fenceposts. Mitigation measures will reduce the chance of raptor predation and possibility of fence collisions. The proposed fence will not interfere with movement of sage-grouse between the two leks. Conversations with local Oregon Department of Fish and Wildlife (ODFW) staff concurred with fence design and placement.

Since utilization of upland vegetation has been consistent with management objectives for Trout Creek Allotment; AUMs will not increase; livestock distribution within the pasture will not change; season of use will not differ from current conditions; and vegetative characteristics influencing nesting and wintering sage-grouse habitat will be unlikely to change, cumulative effects to upland sage-grouse habitat is expected to be neutral in No Name Pasture.

Accelerated development of riparian vegetation at UNNSR and other similar reasonably foreseeable future projects (riparian meadow vegetation at one spring is already completely fenced, and has achieved potential extent) will result in a beneficial cumulative effect, since brood-rearing habitat will improve in a large portion (approximately one-half) of No Name Pasture.

Grazing Management

There will be no change to number of animals and season of use as authorized for the allotment under the current term grazing permit. Available forage in No Name Pasture is adequate to absorb AUMs (from 9 acres of riparian vegetation) removed from the riparian meadow enclosure. Since cattle will not be permitted to remain in the riparian meadows, utilization of upland forage is likely to be more even as livestock distribution will be shifted away from riparian meadows.

The proposed action will not contribute to any cumulative effects to grazing management because no changes in number or kind of livestock will occur within Trout Creek Mountain Allotment or the AMU.

Upland Soils, Vegetation, and Biological Soil Crusts

Livestock will concentrate on upland soils near the new water trough, shifting the hardened area 500 feet west of UNNSR and away from the edge of the riparian meadow environment. Annual freeze-thaw cycles and new vegetation growth will likely reduce soil compaction on previously hardened areas. Since the authorized number, season of use, and kind of livestock will not change, the extent of soil compaction is unlikely to change. Upland soils will be compacted in localized areas from one-time entry by mechanized equipment used to carry fence material to the site, and placement of pipeline and troughs. However, duration of this disturbance will be short (2 months or less), resulting in temporary effects to soil surface condition and plant productivity or recruitment. These effects will not be detectable by the following one to two growing seasons.

Livestock may create new trails along the new fenceline after construction, which has potential to create additional localized upland soil compaction. However, soil surface characteristics, cover by rocks, and amount and distribution of live vegetation and litter around UNNSR is likely to buffer these effects. No accelerated erosion has been observed adjacent to fences or livestock trails elsewhere in the pasture, and none is expected to result from proposed additional fencing.

Vegetation will be crushed by vehicles in an area approximately 15 feet wide along the new enclosure fence as a result of vehicle traffic during survey and construction of the project. Because blading of the fenceline will not be allowed, the disturbed area will naturally revegetate in two or three growing seasons. Areas disturbed by installation of pipeline and troughs will be seeded to native species during the fall after construction activities. Livestock grazing will not change the arrangement or connectivity of upland vegetation once the fence has been completed, since adequate forage is available in uplands to accommodate additional AUMs removed from the fenced riparian meadow areas.

The proposed action, when considered with other reasonably foreseeable similar future actions, will not contribute to cumulative effects to upland soils, vegetation, and biological soil crusts because effects will be local in nature, and will not measurably change distribution or arrangement of vegetation or biological soil crusts in the pasture.

Visual Resources

There will be some ground and vegetation disturbance associated with trough placement and installation of new pipe. This disturbance will be very small in scale, within 500 feet of the existing reservoir. Generally UNNSR is only in view for a short period of time (minutes) by those visitors passing by the immediate area either by vehicle or on foot.

Ground disturbance associated with trough placement and installation of new pipe will become less evident within 1 to 2 years as seeded grasses return. Given no blading, grading, or scalping will be allowed when installing new fencing, disturbance to vegetation will be limited to that associated with passage of vehicles. This vegetation disturbance will be expected to decline within 1 to 2 years.

Visual contrasts resulting from changes to landform features will be weak (not easily noticed), given very little earthwork is needed and no changes in landform character (slope cut and fill) will occur. Contrasts resulting from changes to vegetation will be weak given the small size of the area where vegetation will be disturbed (as described above). Contrast resulting from changes to structures will be weak as the proposed new trough will be partially buried, and the pipeline will be completely buried. The dark green metal posts and wire for fencing will add short green vertical lines and long horizontal lines to the immediate area around the reservoir, but will generally become less visible to unobservable when over one-quarter mile from fenceline.

The proposed action, when considered with other reasonably foreseeable similar future actions, will not contribute to cumulative effects, because changes to the landscape character are expected to be weak and not draw the attention of the casual observer.

Wildlife

Constructing a new fence within the project area could affect movement of deer and pronghorn. However, all fence construction will comply with Project Design Features, which are intended to accommodate passage of animals. Deep snow impeding passage of pronghorn under the lowest wire (Montana BLM Riparian Technical Bulletin #4, 1998) is rare at this elevation in Alvord Basin. Therefore, no measurable impacts to wildlife movements are expected. Forage and cover opportunities within the riparian area for deer and pronghorn will increase in a shorter period of time as development of riparian vegetation is accelerated.

Social and Economic Values

The Federal government will continue to collect grazing permit fees from two permittees at approximately the current annual rate of \$1,305 to \$1,952 annually (based on the legal minimum cost per AUM), depending on the grazing year and actual reported use. This commodity use on public lands will continue to generate revenues for the Federal government and private sector in the local economy.

At the same time, public lands in and around the project area will continue to contribute social amenities such as open space, scenic quality, and recreational opportunities (including hunting, birdwatching, sightseeing, hiking, and off-highway vehicle use) as part of the larger Trout Creek Mountains. These amenities enhance local communities and tourism, though specific contributions of the project area are unknown.

In addition, the project will cost approximately \$10,800 to complete. Implementing the project will provide economic opportunities for local fence contractors or suppliers. After implementation, the area's intrinsic value as part of a larger recreational use area will be maintained.

DECISION RECORD

Having considered a range of alternatives and associated impacts and based on analysis in the UNNSR Reconstruction EA OR-06-026-006, it is my decision to implement the proposed action which should allow the rangeland health standards and Trout Creek Mountain Allotment objectives to be met.

The proposed action is to place a headbox in the spring that fills UNNSR (approximately 0.2-acre) so water can be piped to a new 1,200-gallon trough. The trough will be installed 500 feet northwest of the reservoir. Overflow water from the trough will be by an underground pipe back to the original riparian meadow system. The earthen fill of the reservoir will be left in place, so a pond with shoreline vegetation can develop. Approximately 3,900 feet of fence will be constructed around the reservoir and riparian meadow areas above and below UNNSR, excluding livestock from approximately 9 acres.

Livestock grazing will occur annually in No Name Pasture with the same number (alternating between 967 and 1,446 AUMs), kind, and authorized season of use after modifications have been completed. The project is planned for completion in 2008. All work will be conducted by BLM staff or contractors. Following an appropriate level of NEPA documentation, maintenance or improvements will occur to five other spring developments in No Name Pasture over the next 2 to 5 years.

Project Design Features

1. The fences will be constructed to BLM specifications for a 4-strand barbed wire fence, including 22-foot line post spacing. Wire spacing will be 16 inches, 22 inches, 30 inches, and 42 inches up from the ground, with a smooth bottom wire. The livestock permittees will be responsible for fence maintenance, as defined in a cooperative agreement.
2. Anti-perching devices will be placed on fenceposts to discourage predatory birds.
3. Flagging will be placed on fences to increase visibility for sage-grouse and other animals.
4. Construction will occur in the late summer or early fall to avoid adverse effects to nesting birds.
5. Escape ramps or floats (to prevent accidental drowning of small animals and birds) will be included in the trough.

6. No blading, grading, or scalping of the fenceline will be allowed.
7. Prior to final inspection, all construction trash and excess debris will be removed from public lands and disposed of at a site approved by the BLM Contracting Officer.
8. Pipelines will be buried at a minimum of 18 inches below ground level.
9. Soil disturbed during pipe placement and trough installation will be hand-seeded with a mixture of native and nonnative perennial grass species.
10. If possible, the trough will be partially buried and coarse rock will be placed to reduce soil compaction by livestock and assist in blending the site with the surrounding area.
11. Vehicles and equipment will be cleaned prior to entry to the site for project work.
12. The BLM will inventory the project site for noxious weeds. Any weeds found will be treated, and the site will be monitored for new weed introductions.
13. The proposed pipeline trench will be left open long enough for cultural resource review studies to occur before project completion.

Monitoring

Monitoring for long-term riparian conditions will occur at 5-year intervals to determine progress toward PFC. Monitoring may be qualitative (photo points) rather than quantitative in order to best account for variation in species needs and growing season conditions (AMU/CMPA RMPs, Appendix H, p. 4).

RATIONALE

I have selected the proposed action for the reason it best meets the decision factors among all alternatives.

Decision Factors

1. Will the alternative balance RMP Wildlife objectives (including conservation guidelines and life history needs for greater sage-grouse) with management direction for Social and Economic, Vegetation, Grazing Management?

The proposed action balances RMP management direction by providing for sustainable livestock grazing on public land without preventing achievement of other RMP objectives.

2. Will the alternative be effective in achieving project objectives?

The proposed action will achieve project objectives in the shortest amount of time with results occurring in the first growing season after implementation.

3. Will the alternative have unreasonable management cost to the public in achieving the project objectives?

The proposed action requires an initial investment of approximately \$10,800, after which maintenance costs become the permittees' responsibility. The proposed action will continue to provide annual grazing fees to the public at approximately the current rate.

4. Does the alternative have unreasonable management cost to the livestock grazing permit holder?

No additional costs to the permittees will occur under the proposed action except for occasional maintenance costs.

5. Does the alternative achieve project objectives in a reasonable timeframe (10 to 15 years)?

The Interdisciplinary Team (IDT) expects PFC or significant progress toward PFC can be attained under the proposed action within 10 growing seasons.

I did not select the no action alternative or the other action alternatives for reasons described in the table below.

Decision Factor	No Action	Livestock Reduction	Complete Removal of Livestock
1. RMP Direction	Does not achieve RMP management objectives for resource enhancement.	Does not balance RMP management direction as well as the proposed action. Livestock reduction is not necessary to achieve other allotment management objectives, which may inhibit achievement of RMP direction for Social and Economic Values.	Does not balance RMP management direction. The RMP direction for Social and Economic Values and Grazing Management is not achieved.
2. Effective Implementation	Does not achieve project objectives for resource enhancement.	Progress toward objectives occurs slowly, if at all, and over a lesser extent than with the proposed action.	Phased removal of livestock grazing achieves project objectives for resource enhancement, although slower than the proposed action, but does not achieve project objectives for grazing management.

Decision Factor	No Action	Livestock Reduction	Complete Removal of Livestock
3. Cost to the public	No cost to the public; however, it does not achieve project objectives for resource enhancement.	Requires no initial investment of public funds. Reduces annual grazing fees to the public by one-third to one-half.	Requires no initial investment of public funds. Reduces annual grazing fees to the public to zero after 5 years.
4. Cost to management of livestock	Does not achieve project objectives for resource enhancement.	Cost to permittees ranges from \$127 to \$381 per day during the authorized season of use, for current stocking levels to be maintained, or \$3,864 to \$11,586 per year.	Cost to permittees ranges from \$382 to \$761 per day during the authorized season of use, for current stocking levels to be maintained, or \$11,604 to \$23,136 per year.
5. Timeframe	Does not achieve project objectives for resource enhancement.	The IDT expects PFC or progress toward PFC to occur slowly, if at all. PFC is possible, though unlikely to be attained in 10 growing seasons.	The IDT expects some progress toward PFC as phased livestock removal progresses. Progress toward PFC will accelerate after removal of livestock is complete.

AUTHORITY

The attached EA is tiered to the AMU/ Steens Mountain Cooperative Management and Protection Area (CMPA) Proposed RMP and Final EIS (PRMP/FEIS) and relevant information contained therein is incorporated by reference. The proposed action has been designed to conform to the following documents, which direct and provide the legal framework for management of BLM lands within the Burns District:

- Taylor Grazing Act (43 U.S.C 315 - 1934)
- National Environmental Policy Act (42 U.S.C. 4321-4347)1970
- Federal Land Policy and Management Act (43 U.S.C. 1701, 1976)
- Public Rangelands Improvement Act (43 U.S.C. 1901. 1978)
- Trout Creek Mountain Allotment Management Plan (1985)
- Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the States of Oregon and Washington (1997)
- Greater Sage-Grouse and Sagebrush-Steppe Ecosystems Management Guidelines (BLM - 2000)
- Bureau of Land Management National Sage-Grouse Habitat Conservation Strategy (2004)

- Local Integrated Noxious Weed Control Plan (2004)
- Andrews Management Unit Resource Management Plan/Record of Decision (ROD) (August 2005)
- Greater Sage-Grouse Conservation Assessment and Strategy for Oregon (ODFW - August 2005)

COMMENTS RECEIVED

A copy of the original EA was mailed to permittees and interested publics. In addition, a notice was posted in the *Burns Times-Herald* newspaper. The Burns District BLM received comments from an interested public dated June 29, 2006. A summary of the comments along with responses are as follows.

Comment #1. The BLM failed to prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values. The BLM refused to reanalyze the suitability of nonrecommended WSAs.

Response: The general project area was evaluated for presence of wilderness characteristics as part of Catlow Peak Unit in the AMU/CMPA PRMP/FEIS, August 2004 (Sections 3.23, p. 3-72 and 4.23, p. 4-249 to 4-256). An IDT completed the evaluation of the unit based on information from past wilderness characteristic inventories, current resource conditions and materials submitted by a citizen group. The IDT found Catlow Peak Unit did not contain wilderness characteristics. This finding was incorporated into the AMU RMP/ROD (August 2005) and, therefore, not analyzed further.

Comment #2. The EA makes it difficult to determine if reconstruction projects are meeting sage-grouse and sagebrush-steppe management guidelines.

Response: A discussion of sage-grouse and pygmy rabbits and their habitats are discussed in Chapter III: Affected Environment and Environmental Consequences. Reference to informal consultation with ODFW was incorporated into the analysis of effects to greater sage-grouse. The project area lacks suitable habitat for pygmy rabbits.

Comment #3. The BLM only analyzed one viable action alternative.

Response: In the original EA the BLM analyzed the proposed action and the no action alternative. Burns District BLM has now analyzed three action alternatives, in addition to no action: 1) Proposed Action, 2) Livestock Reduction, and 3) Complete Livestock Removal. Please see Chapter II: Alternatives, Including the Proposed Action.

Based in part on these comments, the BLM modified the EA and mailed copies to the same permittees and interested publics in October 2007, with a comment request period of 15 days. No additional comments were received.

APPEAL PROCEDURES

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal should be mailed to the Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, and postmarked by October 29, 2007. The appellant has the burden of showing the decision appealed is in error.

A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 500 NE Multnomah Street, Suite 607, Portland, Oregon 97232. If the notice of appeal did not include a statement of reasons for the appeal, it must be sent to the Interior Board of Land Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203. It is suggested appeals be sent certified mail, return receipt requested.

Request for Stay

Should you wish to file a motion for stay pending the outcome of an appeal of this decision, you must show sufficient justification based on the following standards under 43 CFR 4.21:

- The relative harm to the parties if the stay is granted or denied.
- The likelihood of the appellant's success on the merits.
- The likelihood of immediate and irreparable harm if the stay is not granted.
- Whether or not the public interest favors granting the stay.

As noted above, the motion for stay must be filed in the office of the authorized officer.

/signature on file/

Karla Bird

Andrews Resource Area Field Manager

December 19, 2007

Date